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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CISCO SYSTEMS, INC.,

Plaintiff,

No. C 09-01550 JSW

v.

TELECONFERENCE SYSTEMS, LLC, et al.,

Defendants.

**ORDER VACATING HEARING**

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TELECONFERENCE SYSTEMS, LLC,

Plaintiff,

No. C 10-01325 JSW

v.

TANDBERG, INC., et al.,

Defendants.

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No. C 10-05740 JSW

TELECONFERENCE SYSTEMS, LLC,

Plaintiff,

v.

AT&T CORP., et al.,

Defendants.

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1 The Court scheduled a hearing to construe the terms of the patent at issue and set the  
2 hearing for November 14, 2011. However, after reviewing the papers submitted by the parties,  
3 the Court has determined that a hearing is not necessary. The construction of a patent claim is a  
4 matter of law exclusively for the court to decide. *Markman v. Westview Instruments, Inc.*, 517  
5 U.S. 370, 388-89, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996). Courts may hold a hearing on the  
6 issue of claim construction, but such a procedure is not necessary:


7 *Markman* does not require a district court to follow any particular procedure in  
8 conducting claim construction. It merely holds that claim construction is the  
9 province of the court, not a jury. To perform that task, some courts have found it  
10 useful to hold hearings and issue orders comprehensively construing the claims in  
11 issue. Such a procedure is not always necessary, however. ... District courts have  
12 wide latitude in how they conduct the proceedings before them, and there is  
13 nothing unique about claim construction that requires the court to proceed  
14 according to any particular protocol. As long as the trial court construes the  
15 claims to the extent necessary to determine whether the accused device infringes,  
16 the court may approach the task in any way that it deems best.

17 *Ballard Medical Products v. Allegiance Healthcare Corp.*, 268 F.3d 1352, 1358 (Fed. Cir.  
18 2001).

19 The Court finds that this matter is appropriate for disposition without oral argument and  
20 is deemed submitted. *See* N.D. Cal. Civ. L.R. 7-1(b). Accordingly, the hearing set for  
21 November 14, 2011 is hereby VACATED.

22 **IT IS SO ORDERED.**

23 Dated: November 14, 2011

24   
25 JEFFREY S. WHITE  
26 UNITED STATES DISTRICT JUDGE  
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